

	Portales Police Department Standard Operating Procedure & Policy	SOP #	204.01
		Date Revised:	
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1700 N. Boston St. Portales NM, 88130	Juvenile Operations	Effective Date	
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police

## I. STATEMENT OF PURPOSE

The purpose of this policy is to define departmental procedure and provide guidance to officers when handling juveniles. Law Enforcement interaction with juveniles differs from that of adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, officers will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the Department shall be documented.

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Department does not identify any one person or position to oversee juvenile operations, therefore it is the responsibility for all agency personnel and components to participate - in and support the juvenile operations.

## II. DEFINITIONS

- A. Juvenile: A person under 18 years of age.
- B. Delinquent Act: An act committed by a child which would be designated as a crime under the law if committed by an adult.
- C. Delinquent Child: A child who has committed a delinquent act.
- D. JPPO: Juvenile Probation and Parole Office/Officer
- E. Child Protective Services: Those offenses which are not considered a delinquent act (i.e., truancy, runaway,).

## III. TAKING INTO CUSTODY

### A. Delinquent Child

If a child is taken into custody, after arriving at the facility, the on-duty or on-call JPPO will be notified as soon as possible by the arresting officer. The officer will advise the dispatcher of the name and other pertinent information. At that time, the

JPPO will authorize either release or detention.

If the JPPO authorizes release, the appropriate paperwork will be completed and the juvenile released to a parent or guardian. The detaining officer will document the time, date and person the juvenile is released to.

If the JPPO authorizes the detention of the juvenile, the arresting officer will complete a juvenile statement of probable cause which will be attached to the arrest report.

#### B. Detoxification

Juvenile may be detained for detoxification purposes only by this Department. If an officer comes into contact with a juvenile who is intoxicated and poses a danger to him/herself or others, the juvenile will be transported to the emergency room and every effort will be made to notify the parents or guardians. If a parent or guardian is not available CYFD will be contacted.

### II. PROTECTION OF RIGHTS

To ensure that the constitutional rights of the child are protected, once a juvenile has been taken into custody, the following guidelines will be met.

A. The child will be brought to the Portales Police Department without delay, unless the child is in need of emergency medical treatment. The officer will make every attempt to contact parents or legal guardian and advise them that the child has been taken into custody. If no family member can be contacted, Children Youth and Families will be notified.

The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed;

The arresting officer will complete an 'Arrest Report';

The child will be given a copy of the 'Advise of Rights' to read and sign. The copy will be attached to the arrest report. If the child is being detained, a 'Probable Cause Determination' will be completed detailing the events of the crime and the reason for taking the child into custody without a warrant.

B. If the child is taken into custody a complete copy of the report will be forwarded to the JPPO's Office.

C. Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant.

### III. PARENT NOTIFICATION/RELEASE

A. The parents/guardians of the child will be contacted and advised the child has

been taken into custody, the reason and whether they are being released or detained;

B. When the child is released from the Portales Police Department, whether to a parent/guardian, or being transported to a detention facility, it will be noted on the incident report.

#### IV. CUSTODIAL INTERROGATION

The guidelines of the Children's Code, 32A-1-1 to 32A-20-1, N.M.S.A. 1978, do not prohibit the officer from interviewing and taking statements from victims or witnesses of any age. While the presence of the parents/guardians is not mandatory during the interrogation of a juvenile, prior to taking this action, the officer(s) will confer with the parents/guardians. The interrogation shall be limited to no more than two (2) officers being present. The questioning will not last longer than two hours and there must be a thirty minute break before resuming interrogations. No child will be interrogated or questioned without first being advised of his constitutional rights and a waiver is secured from the child. Statements, confessions or admissions made by children under the age of thirteen (13) cannot be used against them. During the course of the interrogation, the officer will explain to the juvenile the department's procedure and the role of the juvenile justice system in investigations.

#### V. CRIMINAL CITATIONS

Citations can be issued to juveniles instead of arrest.

#### VI. TRAFFIC CITATIONS

All Municipal and Magistrate courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. No Municipal or Magistrate court shall incarcerate a child found guilty of any of the provisions of the Motor Vehicle Code or Municipal Traffic Code without first securing approval of the Children's Court. If the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations, it shall have jurisdiction over all traffic offenses alleged to have been committed by the child arising out of the same occurrence.

#### VII. HANDLING JUVENILE OFFENDERS

A. When investigating offenses or incidents involving juvenile offenders, officers will use the most appropriate alternative. These alternatives may include:

1. Release with no further action;
2. Referral to Teen Court, or JPPO whichever is applicable;

3. Custodial arrest with referral to juvenile authorities.
- B. Based on the nature of the investigation, when an officer determines that a juvenile will not be arrested, he/she will be encouraged to contact the parent/guardian while at the scene with the child, in order to notify them of the investigation.

## VIII. RUNAWAYS/ENDANGERED CHILD

- A. All runaway reports must be completed as soon as possible and the appropriate paper work faxed and mailed to New Mexico Vital Record and Health Statistics.
- B. The Juvenile Probation and Parole Office must be notified in the event a runaway from another state is located since they are responsible for seeing that the child is returned to his/her home state.
- C. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The dispatcher should notify the call taker that an officer needs a caseworker for an emergency placement of an endangered child.
- D. If time becomes a critical issue and it is feasible to relocate the child to the police department, have the caseworker respond to the department. In any case, the child is the responsibility of the responding officer until he/she has been turned over to CYFD.

## IX. SCHOOL RESOURCE OFFICER

- A. The School Resource Officer Program will be administered at the Portales Middle School and High School and other schools on an as-need-base. This is an additional duty assigned by the Chief of Police. The officer will work closely with the Portales School system specifically as a law enforcement officer.
- B. The School Resource Officer Program will focus on the needs of the Portales Middle or High School by providing the following resources:
  1. Act as a resource with respect to delinquency prevention;
  2. Provide guidance on ethical issues in a classroom setting;
  3. Provide individual counseling to students;
  4. Explain the law enforcement role in society;
  5. School Resource Officer will work, on as-need-bases to coordinate law enforcement presence, at school activities such as dances, football games, etc.

6. School resource programs can also provide a forum through which students, parents, faculty, and law enforcement officers can become acquainted and, as a result, earn mutual respect.
7. Visits to schools by a liaison officer should be frequent and on an ongoing basis, so that the students can come to recognize and identify with the school Resource Officer.
8. At times when school is not in session the School Resource Officer will report to his immediate supervisor for assignment.
9. Monitoring school zones before and after school hours when not performing other duties.
10. Brief immediate supervisor on a daily basis on regular work days to include a written daily report. The School Resource Officer will remain readily accessible to his supervisor during his regular work hours for directed tasks.
11. Will prepare and present a monthly compstat report relating to SRO matters while school is in session.